

# Exhibit B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X Docket#  
IN THE MATTER OF: : 04-cv-2799(NG)(VVP)  
: 04-cv-5449(NG)(VVP)  
: 04-cv-5564(NG)(VVP)  
: 05-cv-365 (NG)(VVP)  
ARAB BANK, PLC., :  
: U.S. Courthouse  
: Brooklyn, New York  
:  
: September 21, 2005  
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TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE  
BEFORE THE HONORABLE VIKTOR V. POHORELSKY  
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For Plaintiff Linde  
and Coulter:

Robert Swift, Esq.  
Gary Osen, Esq.

For Plaintiff Little:

Mark Werbner, Esq.  
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For the Defendant:

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Proceedings

1 your Honor, apparently in Israel there is actually an authority  
2 that distributes payments to victims of terror attacks and/or  
3 their family. I'm not certain that those payments would be  
4 properly categorized in the United States as collateral sources  
5 but we feel we're entitled to the information.

6 That having been said, that issue arises because of  
7 the fact that we sought to receive that information in the  
8 context of a profile form, you will recall.

9 THE COURT: Right.

10 MR. STRAJEZYCKI: Upon further reflection between  
11 ourselves and our client, I am not certain and I wanted to make  
12 the Court aware of this before you undertook to make that  
13 ruling that given the delay in acceptance of the offer, if you  
14 will, that the client is willing to proceed with the profile  
15 form under the understanding that we had previously reached.

16 THE COURT: Now I am completely lost.

17 MR. STRAJEZYCKI: Okay. We said we thought of a  
18 profile form, your Honor, and we're not really looking to take  
19 all of these depositions. We'll have to take some depositions  
20 because we're going to have to figure out who exactly would be  
21 amongst the first group of plaintiffs that are going to be  
22 tried in this case.

23 THE COURT: Have you had discussions with  
24 Judge Gershon about how the trials would proceed?

25 MR. STRAJEZYCKI: No, your Honor.

Proceedings

1 THE COURT: Okay. So, but you're contemplating  
2 multiple trials.

3 MR. STRAJEZYCKI: We're surmising. Right.

4 THE COURT: On damages.

5 MR. STRAJEZYCKI: We don't think 5,000 --

6 THE COURT: Yes, bifurcating liability of damages  
7 and then going to --

8 MR. STRAJEZYCKI: We can't even get that far,  
9 your Honor. If you recall, there was a discussion at one  
10 point, Mr. Swift was on one side of that equation --

11 THE COURT: Yes, okay.

12 MR. STRAJEZYCKI: -- and everybody else --

13 THE COURT: I remember we had this.

14 MR. STRAJEZYCKI: All right. All that having been  
15 said, we're no longer willing to proceed under the  
16 understanding that if they fill out the profile form, we will  
17 not take their deposition. I want to make that clear to the  
18 Court and clear to the plaintiffs at this time before you rule  
19 on it because I believe that in prior appearances before the  
20 Court and I know in prior conversations with the plaintiffs,  
21 that's what I represented.

22 THE COURT: Okay. So, what, you're saying you're  
23 going to want 5,000 depositions?

24 MR. STRAJEZYCKI: I think it's almost 5,400  
25 conceivably, your Honor.

Proceedings

1           THE COURT: Well, okay. I understand -- I don't  
2 think you're going to get 5,400 depositions. It seems to me  
3 you would like to have the profile information to at least know  
4 -- if you're not limiting yourself to something less than  
5 5,400, understand it's likely to happen but still --

6           MR. STRAJEZYCKI: Well, I think we would like the --  
7

8           THE COURT: -- would like to have the information so  
9 that both sides can make some reasoned judgments about how you  
10 go about deposing the people you do get to depose.

11          MR. STRAJEZYCKI: Right. Your Honor, I agree. I  
12 think the profile would continue to be a useful tool for the  
13 parties. That having been said, I don't want to mislead --

14          THE COURT: And probably for the Court, too.

15          MR. STRAJEZYCKI: Well, I don't want to --

16          THE COURT: If we're going to try this in staged --  
17 in some staged way --

18          MR. STRAJEZYCKI: Right, iterations.

19          THE COURT: -- the knowing who to group together as  
20 similar plaintiffs leads --

21          MR. STRAJEZYCKI: But I --

22          MR. WERNER: But the whole quid pro quo was that  
23 this effort that we want obligated which we were engaged in  
24 good faith was going to be based on that there would be a real  
25 effort to avoid taking everybody's deposition.